

## **REMARKS**

### **I. Introduction**

The Current Action:

Allows claims 1, 3-6, 8, and 32-53;

Rejects claims 9, 10, 12, 13, 15, 17-19, 21, 22, 24, 26, 27, and 29 under 35

U.S.C. § 102(b); and

Objects to claims 11, 16, 20, 25, 30, and 31 as including allowable subject matter, but depending from a rejected base claim.

The Applicant thanks the Examiner for withdrawing the previous rejections and allowing claims 1, 3-6, 8, and 32-53.

In this Response, the Applicant has amended claim 18 to more clearly describe the claimed invention, and respectfully asserts that claims 18-22, 24-27, and 29-31 are patentable over the references of record. In addition, the arguments below fully traverse the rejections of 9, 10, 12, 13, 15, and 17 and fully traverse the objections to claims 11, 16, 20, 25, 30, and 31. Therefore, the Applicant respectfully asks the Examiner to reconsider and withdraw the pending objections and rejections and pass all pending claims to issue.

### **II. Arguments**

#### **A. Claims 9-13, 15-17, 27, and 29-31**

The Current Action rejects claims 9-10, 12-13, 15, 17, 26, 27, and 29 as being anticipated by *Holmes*, U.S. Patent No. 5,262,769, (hereinafter *Holmes*). However, M.P.E.P. § 2131 requires a reference to teach each and every limitation of a rejected claims before that reference can anticipate the rejected claims. The Applicant respectfully asserts that each of claims 9-10, 12-13, 15, 17, 26, 27, and 29 contain limitations not taught by *Holmes*, and are thus patentable over the references of record.

Claim 9 recites “adjusting power consumption of certain tuner components within said tuner to achieve a desired intercept point for each component of said certain tuner components.” The Current Action contends that this limitation is taught by *Holmes* at either

column 6, line 31 – column 7, line 21 or at column 1, line 63 – column 2, line 10. At these sections, however, *Holmes* merely teaches conserving battery power in a pager by shutting off the tuner when the incoming signal is below a threshold level. Neither section mentions the desired intercept point for tuner components and neither section mentions adjusting power consumption to achieve these points. Therefore, *Holmes* cannot be said to teach each and every limitation of claim 9, and the Applicant respectfully asks the Examiner to withdraw the rejection.

Claim 26 recites “adjusting the power consumption of said certain tuner components to achieve a desired component intercept point.” The Current Action contends that this limitation is also taught by *Holmes* at either column 6, line 31 – column 7, line 21 or at column 1, line 63 – column 2, line 10. As discussed above, however, at these sections *Holmes* merely teaches conserving battery power in a pager by shutting off the tuner when the incoming signal is below a threshold level. Neither section mentions the desired intercept point for tuner components and neither section mentions adjusting power consumption to achieve these points. Therefore, *Holmes* cannot be said to teach each and every limitation of claim 9, and the Applicant respectfully asks the Examiner to withdraw the rejection.

Claims 10, 12, 13, 15, 17, 27 and 29 depend from either claim 8 or claim 26, thus, each of claims 10, 12, 13, 15, 17, 27 and 29 inherits all of the limitations of its respective base claim. Although each of claims 10, 12, 13, 15, 17, 27 and 29 also recites limitations that make it patentable in its own right, each is at least patentable for depending from a patentable base claim. Therefore the Applicant respectfully asks the Examiner to withdraw the rejections to claims 10, 12, 13, 15, 17, 27 and 29 as well.

Claims 11, 16, 30, and 31 are objected to for depending from rejected base claims. As discussed above however, the claims from which 11, 16, 30, and 31 depend are patentable over the references of record. Therefore, the Applicant respectfully asks that the objections to claims 11, 16, 30, and 31 be withdrawn.

B. Claims 18-22, 24, and 25

The Current Action also rejects claims 18, 19, 21-22, and 24 as being anticipated by *Holmes*. However, the Applicant respectfully asserts that each of these claims recites

limitations not taught by *Holmes*. Claim 18 recites “at least one circuit for adjusting the tuner power consumption in accordance with said determining circuit, wherein said adjusting circuit adjusts the power consumption of certain tuner components within said tuner, as said tuner actively processes said input signals.” As discussed above, *Holmes* teaches a pager that saves power by turning a tuner off when detected signals drop below a threshold level. *Holmes* does not appear to teach adjusting the power consumption levels of the tuner within the pager as that tuner is actively processing signals, however, but merely shutting the tuner down completely. Thus, *Holmes* does not teach each and every limitation of claim 18, and the Applicant respectfully asks Examiner to withdraw the rejection.

Claims 19, 21, 22, 24, and 26 depend from claim 18, and thus, each inherits the limitations of that claim. Although each of claims 19, 21, 22, 24, and 26 recites limitations that make it patentable in its own right, each is at least patentable for depending from a patentable base claim. Therefore, the Applicant respectfully asks the Examiner to withdraw the rejections of claims 19, 21, 22, 24, and 26 as well.

Claims 20 and 25 are objected to for depending from a rejected claim. As discussed above, however, claim 18 is patentable over the references of record, and the Applicant respectfully asks the Examiner to withdraw the objection to claims 20 and 25 as well.


### **III. Conclusion**

In view of the above, the Applicant believes the pending application is in condition for allowance.

The Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 49581/P016US/09806411 from which the undersigned is authorized to draw.

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Respectfully submitted,

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